

Patent US/(514C1)
Attorney Docket No. 612,406-041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MICULKA et al.

Serial No.: 10/792,289

Filed: March 2, 2004

For: LINKER NUCLEOSIDE, ITS
PREPARATION AND USE

Group Art Unit: 1623

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449.

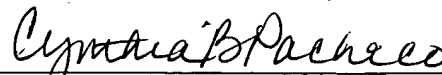
The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

In accordance with § 1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application Serial No. 09/509,011, filed on July 11, 2000, by MICULKA, Christian et al., for which a claim for priority has been made in the instant application. Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

August 25, 2004
Date of Deposit


Cynthia B. Pacheco

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check covering the fee of \$180.00 is enclosed.
- ☐ Please charge _____ to Deposit Account No. 50-2862 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny & Myers' Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 25, 2004

By: *Diane K. Wong*
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LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT

APPLICANT:

MICULKA et al.

FILING DATE:

March 2, 2004

GROUP:

1623

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
AA	5,874,553	02/1999	Peyman et al.			
AB	5,849,482	12/1998	Meyer et al.			
AC	5,632,957	05/1997	Heller et al.			
AD	5,624,802	04/1997	Urdea et a.			
AE	5,391,723	02/1995	Priest			
AF	4,719,289	01/1998	Kolar et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
AG	WO93/20242	10/2000	PCT			
AH	WO99/52923	10/1999	PCT			
AI	WO97/28176	08/1997	PCT			
AJ	WO97/12896	04/1997	PCT			
AK	WO97/05156	02/1997	PCT			
AL	WO97/00882 A1	01/1997	PCT			
AM	WO96/40711	12/1996	PCT			
AN	WO96/39414 A1	12/1996	PCT			
AO	0739898 A2	10/1996	Europe			
AP	WO96/13522	05/1996	PCT			
AQ	WO96/13613	05/1996	PCT			
AR	WO96/12728 A1	05/1996	PCT			
AS	WO95/21184 A2	08/1995	PCT			
AT	WO94/28173	12/1994	PCT			
AU	2266182 A	10/1993	Great Britain			
AV	WO89/02439	03/1989	PCT			

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DATE CONSIDERED:

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							YES	NO
	AW	0057548	08/1982	EP				
	AX	2028906	12/1970	Germany				

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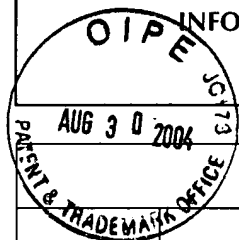
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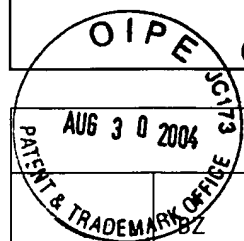
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BN	KUEHNE et al, J. Org. Chem. Vol. 43, No. 13, 1978, Communications, pp. 2733-2735
BO	LETSINGER et al, Nature, vol. 382, 1996, "A DNA-Based Method for Rationally Assembling Nano-Particles into Macroscopic Materials", pp. 607-609
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BT	NELSON et al, Nucleic Acids Research, vol. 17, No. 18, 1989, pp. 7170-7179
BU	NELSON, P.S., et al. "Oligonucleotide labeling methods 3. Direct labeling of oligonucleotides employing a novel, non-nucleosidic, 2-aminobutyl-1,3-propanediol backbone." NUCLEIC ACIDS RESEARCH 20 (23): 6253-59 (1992).
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BW	PITSCH et al, Helv. Chim. Acta. 1993, vol. 76, "Why Pentose and Not Hexose-Nucleic Acids?" pp. 2161-2183
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BY	PITSCH, Stefan, et al. "Pyranosyl-RNA ('p-RNA'): Base Pairing Selectivity and Potential to Replicate." HELVETICA CHEMICA ACTA 78: 1621-35 (1995).

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CB	SOUTHERN et al, Genomics 13, 1992, "Analyzing and Comparing Nucleic Acid Sequences by Hybridization to Arrays of Oligonucleotides: Evaluation Using Experimental Models", pp. 1008-1017
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CF	Tetrahedron, 1967, vol. 23, "Stability and Equilibria of Free Radicals-III", pp. 4661-4673
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CI	URDEA, Boi/Technology 1994, vol. 12, "Branched DNA Signal Amplification", pp. 926-928
CJ	VORBRUGGEN et al, Chem. Ber. 1981, "Nucleoside Synthesis with Trimethylsilyl Triflate and Perchlorate as Catalysts", pp. 1234-1255
CK	WATANABE, K.A., et al. "Nucleosides. LXXXVII. Total Synthesis of Pentopyranine A, an α -L Cytosine Nucleoside Elaborated by <i>Streptomyces griseochromogenes</i> ." J. ORG. CHEM. 39(17): 2482-86 (1974)
CL	XIA, Xiaoyang, et al. "Stereo-controlled Synthesis of β -2'-deoxypyrimidine Nucleosides via Intramolecular Glycosylations." TETRAHEDRON LETTERS 38(7): 1111-14 (1997)
CM	ZHU et al, Bioconjugate Chem. 1994, 5, "Preparation of Vitamin B6-Conjugated Peptides at the Amino Terminus and of Vitamin B6 Peptide-Oligonucleotide Conjugates", pp. 312-315

IR1:1057501.1

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